

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10510 of 1995

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JAMNADAS KARSANJI SEJPAL, SINCE DECEASED THROUGH HIS HEIR

Versus

STATE OF GUJARAT  
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Appearance:

MR JR NANAVATI for Petitioners

MR MUKESH PAGEL AGP for Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. I merely observe from the record of the present petition that the proceedings under the Act of 1976 were

taken upto the stage of issuance of notice under section 10(5) of the Act of 1976, and that actual and physical possession has not been taken under section 10(6) of the said Act. It would therefore appear that the petitioners are in possession of the property in question. It is clarified that these are mere observations on the record of the present petition, and are not to be regarded as findings of fact on any factual controversy between the parties.

(Y.B. BHATT, J.)

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